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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MERCK & CO., INC., and
MERCK SHARP & DOHME CORP.,

Plaintiffs,

v.

MERCK KGAA,

Defendant.

Civil Action No.

2:16-cv-00266-ES-MAH

**[Proposed] ORDER
GRANTING DEFENDANT
MERCK KGAA'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT**

This matter came before the Court on the Motion for Partial Summary

Judgment brought by Defendant Merck KGaA, Darmstadt, Germany ("Merck

KGaA”). The Court has considered Merck KGaA’s Motion, evidence and arguments in support thereof, and any opposition thereto. For good cause having been shown, the Court hereby **ORDERS** the following:

1. Merck KGaA’s Motion for Partial Summary Judgment is **GRANTED**; and
2. Counts III, V, XIII, and IX are **DISMISSED WITH PREJUDICE** in their entirety; and
3. Counts I, II, IV, VI, VII, and X are **DISMISSED WITH PREJUDICE** to the extent they are premised on allegations that Merck KGaA may not use “Merck KGaA, Darmstadt, Germany” as a corporate name in the United States of America.

Hon. Esther Salas, U.S.D.J.

DATED: _____, 2022